

HOUSE No. 731

The Commonwealth of Massachusetts

PRESENTED BY:

Susannah M. Whipps

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act updating political terminology.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>1/15/2023</i>

HOUSE No. 731

By Representative Whipps of Athol, a petition (accompanied by bill, House, No. 731) of
Susannah M. Whipps relative to political designations and terminology. Election Laws.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 844 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act updating political terminology.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority
of the same, as follows:*

1 SECTION 1 - Section 1 of chapter 50 of the General Laws is hereby amended by striking
2 the following paragraph:

3 "Political designation" shall apply to any designation required in section 8 of chapter 53,
4 expressed in not more than three words, which a candidate for nomination under section 6 of
5 chapter 53 represents, and to any designation expressed in not more than three words to qualify a
6 political party under this section, filed by fifty registered voters with the secretary of state on a
7 form provided by him or her, requesting that such voters, and any others wishing to do so, may
8 change their registration to such designation, provided however, that the designation

9 "Independent" shall not be used. Certificates showing that each of the signers of said request is a
10 registered voter at the stated address, signed by the city or town clerk shall accompany the

11 petition. Any such request filed before December first in the year of a biennial state election shall
12 not be effective until said December first.

13 And inserting in place thereof the following paragraph:

14 "Political designation" shall apply to any designation required in section 8 of chapter 53,
15 expressed in not more than three words, provided that the word "Independent" shall not be used,
16 which a candidate for nomination under section 6 of chapter 53 represents, and to any
17 designation expressed in not more than three words, provided that the word "Independent" shall
18 not be used, to qualify a political party under this section, filed by fifty registered voters with the
19 secretary of state on a form provided by him or her, requesting that such voters, and any others
20 wishing to do so, may change their registration to such designation. Certificates showing that
21 each of the signers of said request is a registered voter at the stated address, signed by the city or
22 town clerk shall accompany the petition. Any such request filed before December first in the year
23 of a biennial state election shall not be effective until said December first. The designation
24 "Independent" shall apply to those who choose not to enroll with a political party.

25 Section 2-Section 6 of Chapter 53 of the General Laws is hereby amended by striking the
26 following paragraph:

27 "The name of a candidate for election to any office who is nominated otherwise than by a
28 political party, generally referred to as an "Unenrolled" candidate, shall not be printed on the
29 ballot at a state election, or on the ballot at any city or town election following a city or town
30 primary, unless a certificate from the registrars of voters of the city or town wherein such person
31 is a registered voter, certifying that he is not enrolled as a member of any political party, is filed
32 with the state secretary or city or town clerk on or before the last day provided in section ten for

33 filing nomination papers. Said registrars shall issue each certificate forthwith upon request of any
34 such candidate who is not a member of a political party or his authorized representative. No such
35 certificate shall be issued to any such candidate who shall have been an enrolled member of any
36 political party during the time prior to the last day for filing nomination papers as provided in
37 section ten, and on or after the day by which a primary candidate is required by section forty-
38 eight to establish enrollment in a political party.”

39 And inserting in place thereof the following paragraph:

40 “The name of a candidate for election to any office who is nominated otherwise than by a
41 political party, generally referred to as an "Independent" candidate, shall not be printed on the
42 ballot at a state election, or on the ballot at any city or town election following a city or town
43 primary, unless a certificate from the registrars of voters of the city or town wherein such person
44 is a registered voter, certifying that he is not enrolled as a member of any political party, is filed
45 with the state secretary or city or town clerk on or before the last day provided in section ten for
46 filing nomination papers. Said registrars shall issue each certificate forthwith upon request of any
47 such candidate who is not a member of a political party or his authorized representative. No such
48 certificate shall be issued to any such candidate who shall have been an enrolled member of any
49 political party during the time prior to the last day for filing nomination papers as provided in
50 section ten, and on or after the day by which a primary candidate is required by section forty-
51 eight to establish enrollment in a political party.”

52 Section 38 of Chapter 53 of the General Laws is hereby amended by inserting the
53 following:

54 Section 38-No voter enrolled under this section or section thirty-seven shall be allowed to
55 receive the ballot of any political party except that in which he is so enrolled; provided, however,
56 that, except as otherwise provided in said section thirty-seven, a voter may, except within a
57 period beginning at eight o'clock in the evening of the twentieth day prior to any primary and
58 ending with the day of such primary, establish, change or cancel his enrollment by forwarding to
59 the board of registrars of voters a certificate signed by such voter under the pains and penalties of
60 perjury, requesting to have his enrollment established with a party or political designation,
61 changed to another party or political designation, or cancelled, or by appearing in person before a
62 member of said board and requesting, in writing, that such enrollment be so established, changed
63 or cancelled. Except as otherwise provided in section twelve of chapter four, sections one and
64 two of chapter fifty-two, and sections forty A and forty-eight of this chapter, such enrollment,
65 change or cancellation shall take effect upon the receipt by said board of such certificate or
66 appearance, as the case may be; provided, however, that no such enrollment, change or
67 cancellation shall take effect for a primary during the twenty days prior to such primary;
68 provided further, that a voter registered in a political designation that is not a political party as
69 defined in section 1 of chapter 50 shall be considered independent for the purpose of the primary
70 and shall be eligible to receive a ballot of a political party of the voter's choosing. No voter
71 enrolled as a member of one political party or political designation shall be allowed to receive
72 the ballot of any other political party, upon a claim by him of erroneous enrolment, except upon
73 a certificate of such error from the registrars, which shall be presented to the presiding officer of
74 the primary and shall be attached to, and considered a part of the voting list and returned and
75 preserved therewith; but the political party or political designation enrolment of a voter shall not

- 76 preclude him from receiving at a city or town primary the ballot of any municipal party, though
- 77 in no one primary shall he receive more than one party ballot.